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Approved: 

AMY GARZON

Assistant United States Attorney

12 MAG 27 07

Before: HONORABLE ~~RONALD L. ELLIS~~
 United States Magistrate Judge
 Southern District of New York

HON. MICHAEL H. DOLINGER
 United States Magistrate Judge
 Southern District of New York

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

:

SEALEDCOMPLAINT

- v. -

:

Violation of
 18 U.S.C. §§ 751 and 4082

DANIEL SPIEGELMAN,

:

a/k/a "Daniel Spiegelmann,"

:

a/k/a "Craig Wallace,"

:

a/k/a "Mark Sher,"

:

a/k/a "David Toresen,"

: COUNTY OF OFFENSE: BRONX

a/k/a "Marc Sher,"

:

a/k/a "Andrew Minkovski,"

:

a/k/a "Nathaniel Toresen,"

:

a/k/a "Daniel Kikabidze,"

Defendant. :

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SOUTHERN DISTRICT OF NEW YORK, ss.:

JORGE BETANCUR, being duly sworn, deposes and says that
 he is a Deputy United States Marshal with the United States
 Marshals Service, and charges as follows:

COUNT ONE

On or about October 4, 2012, in the Southern District
 of New York, DANIEL SPIEGELMAN, a/k/a "Daniel Spiegelmann," a/k/a
 "Craig Wallace," a/k/a "Mark Sher," a/k/a "David Toresen," a/k/a
 "Marc Sher," a/k/a "Andrew Minkovski," a/k/a "Nathaniel Toresen,"
 a/k/a "Daniel Kikabidze," the defendant,¹ willfully and knowingly
 did escape and attempt to escape from the custody of the Attorney
 General and his authorized representative, and from an
 institution and facility in which he was confined by direction of
 the Attorney General, and from custody under and by virtue of

¹ For ease of reference, the defendant's aliases are not
 repeated throughout this complaint.

process issued under the laws of the United States by a court, judge and magistrate judge, which custody and confinement was by virtue of a conviction of an offense, to wit, SPIEGELMAN, while in community confinement under the supervision of the Bronx Residential Reentry Center ("Bronx RRC") in Bronx, New York, following conviction in the United States District Court for the Southern District of New York, left his community confinement residence without authorization and has not returned.

(Title 18, United States Code, Sections 751 and 4082.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

1. I am a Deputy United States Marshal. I have been personally involved in the investigation of this matter, and I base this affidavit on that personal experience, as well as on my conversations with other law enforcement agents and my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the offense cited above, it does not include all the facts that have been learned during the course of the investigation. Where the contents of conversations and documents are reported herein, they are reported in substance and in part.

2. I have reviewed court documents from which I have learned, in sum and substance, and among other things, that:

a. DANIEL SPIEGELMAN, the defendant, was convicted in the United States District Court for the Southern District of New York of one count of bank fraud, in violation of Title 18, United States Code, Sections 1344 and 2, one count of aggravated identity theft, in violation of Title 18, United States Code, Section 1028A, and one count of possession of five or more identification documents and false identification documents, in violation of Title 18, United States Code, Section 1028(a)(3).

b. In connection with this conviction, on or about December 9, 2010, the Honorable Richard J. Sullivan, United States District Judge for the Southern District of New York, sentenced SPIEGELMAN principally to a term of 44 months' imprisonment, in the custody of the United States Bureau of Prisons, and a five-year term of supervised release.

3. I have reviewed reports from the Federal Bureau of Prisons, and I have learned that on or about July 10, 2012,

DANIEL SPIEGELMAN, the defendant, was transferred from the Federal Correction Institution, Lexington, Kentucky, to the Bronx RRC, which contracts with the Bureau of Prisons for the provision of inmate residential reentry services.

4. From a review of a Bureau of Prisons Community Corrections Office report, I have learned, in sum and substance, and among other things, that:

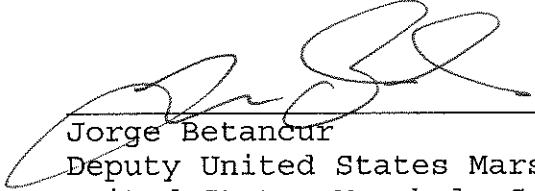
a. On or about October 4, 2012, DANIEL SPIEGELMAN, the defendant, departed the Bronx RRC on a without authorization.

b. SPIEGELMAN has not returned to the Bronx RRC.

c. SPIEGELMAN was placed on escape status effective October 4, 2012.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of DANIEL SPIEGELMAN, the defendant, and that he be arrested and imprisoned, or bailed, as the case may be.

OCT 15 2012


Jorge Betancur
Deputy United States Marshal
United States Marshals Service

Sworn to before me this
___ day of October 2012


HONORABLE RONALD L. ELLIS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

HON. MICHAEL H. DOLINGER
United States Magistrate Judge
Southern District of New York